

# **EXHIBIT B (cont')**

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1 and finished talking with Sergeant Chandler, what  
2 happened next?  
3 **A. I was walking out the chow hall. As I was**  
4 **walking out the chow hall, CO Berezansky said something**  
5 **smart and I turned around and he come charging at me.**  
6 Q. Did you say anything to CO Berezansky when you  
7 turned around?  
8 **A. I think I asked him what was he talking about. I**  
9 **think I said something to him like what was you -- I**  
10 **thought he was giving me another direct order.**  
11 Q. Okay. After you dumped your tray, did you at any  
12 time turn toward officer Berezansky and lunge toward him?  
13 **A. No.**  
14 Q. Did you ever jump toward him?  
15 **A. No.**  
16 Q. Did you walk toward him?  
17 **A. No.**  
18 Q. Did you even step in his direction?  
19 **A. No. I stepped in the middle of the floor.**  
20 Q. Okay. After you dumped your tray did you turn  
21 towards officer Berezansky with your hands in a fist?  
22 **A. No.**  
23 Q. Were your hands clenched?  
24 **A. No.**

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1 Q. Were they raised?  
2 **A. No.**  
3 Q. After you dumped your tray did you turn towards  
4 officer Berezansky with your teeth clenched?  
5 **A. No.**  
6 Q. Did you in any way after you dumped your tray  
7 turn and threaten officer Berezansky?  
8 **A. No.**  
9 Q. Did you in any way lead officer Berezansky to  
10 believe that you were coming toward him?  
11 **A. No.**  
12 Q. Okay. I am now going to hand the court reporter  
13 what he's going to mark as Defendant's Exhibit Number 2.  
14 And then he's going to hand that to you. Defendant's 2  
15 is the incident report filed by Officer Berezansky.  
16 (Defendant's Deposition Exhibit No. 2 marked  
17 for identification.)  
18 BY MS. TROSS:  
19 Q. Can you take a moment to read and review the  
20 incident report?  
21 **A. (Witness complies.)**  
22 Q. Are you finished?  
23 **A. My write-up is different than that.**  
24 Q. Let's go through it, okay. In the first line can

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1 you read for me the incident date at the very top, the  
2 date that's listed in the report? You see what I'm  
3 referring to? It's the top line, it is shaded and it is  
4 the third column over.  
5 **A. Incident date 8-6-05.**  
6 Q. Then could you read for me the location  
7 description? If you go four lines down on the left it  
8 says "location description"? Top box?  
9 **A. Okay.**  
10 Q. Location description, do you see where it says,  
11 "MSB chow hall"?  
12 **A. I need glasses.**  
13 Q. All right. In location description it says, "MSB  
14 chow hall." And then under "individuals involved," as  
15 the inmate it lists "Curtis Collins." So would you agree  
16 that this is the incident report that officer Berezansky  
17 filed in relation to the incident on August 6, 2005?  
18 **A. No.**  
19 Q. You don't believe this is the incident report he  
20 filed?  
21 **A. Like I said, I got a report in here that he wrote**  
22 **up. It is different.**  
23 Q. Okay.  
24 **A. This is not it.**

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1 Q. Would you please send me a copy of that report in  
2 the mail?  
3 **A. The copy of his report.**  
4 Q. A copy of the report.  
5 **A. I believe I have it.**  
6 Q. Could you send me a copy of it after the  
7 deposition?  
8 **A. Okay. I'll do that.**  
9 Q. Let's go through this incident report. In his  
10 incident report officer Berezansky says that you walked  
11 toward him with your fist and teeth clenched. What did  
12 you do that would make officer Berezansky believe that  
13 you were walking toward him with your fists and teeth  
14 clenched?  
15 **A. I don't -- I don't see nothing, because this guy**  
16 **here, this guy is 6'5, 350 pounds. Why would I want to**  
17 **walk towards him?**  
18 Q. Are you saying that officer Berezansky is lying  
19 when he says that you walked toward him with your fist  
20 and teeth clenched?  
21 **A. Yeah, at some point, because I didn't have my**  
22 **fist balled up or nothing like I was going to assault him**  
23 **or anything like that.**  
24 Q. Okay. I now have another document, the court

7 (Pages 22 to 25)

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1 reporter is going to mark this as Defendant's Exhibit  
2 Number 3. Exhibit Number 3 is the incident report filed  
3 by Officer Jeffrey Daisey, and after he has marked it he  
4 is going to show it to you.  
5 (Defendant's Deposition Exhibit No. 3 marked  
6 for identification.)  
7 BY MS. TROSS:  
8 Q. Take a moment to review.  
9 **A. Who wrote this report up here?**  
10 Q. Officer Daisey.  
11 **A. Okay.**  
12 Q. Are you finished?  
13 **A. Yes.**  
14 Q. Have you ever seen this document before?  
15 **A. Never.**  
16 Q. Okay. The incident date in this report is also  
17 listed as August 6, 2005. And the location description  
18 is listed as the chow hall.  
19 Officer Daisey says in his incident report  
20 that as you were exiting the chow hall you turned around  
21 in a threatening manner and raised your fist in a  
22 fighting stance and was lunging toward CO Berezansky.  
23 What did you do that would make Officer Daisey say you  
24 turned around in a threatening manner and raised your

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1 fist in a fighting stance?  
2 **A. Can you say that again?**  
3 Q. Sure. What, if anything, did you do that would  
4 make Officer Daisey say that you turned around in a  
5 threatening manner and raised your fists in a fighting  
6 stance?  
7 **A. I didn't do anything.**  
8 Q. Okay. So would you say that Officer Daisey is  
9 lying when he said that?  
10 **A. Yes.**  
11 Q. I am now going to give the court reporter what  
12 he's going to mark at Defendant's Exhibit Number 4. And  
13 Exhibit Number 4 is the incident report of Officer Shawn  
14 Emerick.  
15 (Defendant's Deposition Exhibit No. 4 marked  
16 for identification.)  
17 BY MS. TROSS:  
18 Q. You can take a moment to review that as well.  
19 **A. (Witness complies.)**  
20 Q. Are you finished?  
21 **A. Yes.**  
22 Q. The incident date in this report is also listed  
23 as August 6, the location as the MSB chow hall. Officer  
24 Emerick says in his report that you walked towards

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1 CO Berezansky in a threatening manner with your fist  
2 clenched. Inmate Collins then lunged at CO Berezansky as  
3 he was exiting the chow hall.  
4 What, if anything, did you do that would  
5 make Officer Emerick say that you lunged at CO  
6 Berezansky?  
7 **A. I didn't do anything.**  
8 Q. So are you saying that Officer Emerick is lying?  
9 **A. That's a lie.**  
10 Q. Is he also lying when he says that you had a  
11 threatening manner with your fists clenched?  
12 **A. Yes.**  
13 Q. Okay. I am now going to hand the reporter  
14 Exhibit Number 5. Exhibit Number 5 is the disciplinary  
15 hearing decision.  
16 (Defendant's Deposition Exhibit No. 5 marked  
17 for identification.)  
18 BY MS. TROSS:  
19 Q. You can take a moment to review that.  
20 **A. (Witness complies.)**  
21 Q. Do you see where it says -- have you ever seen  
22 this document before?  
23 **A. I don't know. I'm not sure.**  
24 Q. Okay. Do you see where it says "inmate

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1 statement?"  
2 **A. Yes.**  
3 Q. Could you read that aloud for me, please?  
4 **A. Talking about the testimony part?**  
5 Q. No. Right above that, after it says, "inmate  
6 plea," it says, "not guilty." And then right under --  
7 **A. He cursed at me and stated for me to dump -- he**  
8 **stated for me to dump my tray and shut my F'ing mouth. I**  
9 **complied and dumped my tray. On my way out I asked him**  
10 **why are you talking to me like that? He stated again to**  
11 **shut the F up as I was leaving the chow hall. I turned**  
12 **and told him he should shut his F'ing mouth. That's when**  
13 **he ran towards me and sprayed me and then took me to the**  
14 **floor and started kicking me.**  
15 Q. Is this the statement that you gave at the  
16 disciplinary hearing?  
17 **A. I think so. I'm not sure.**  
18 Q. Well, according to this statement you say that  
19 "as I was leaving the chow hall I turned and told him he  
20 should shut his F'ing mouth." Why did you turn around?  
21 **A. I turned around, because he had said something to**  
22 **me at the chow hall. I thought he was giving me another**  
23 **direct order. As far as me cursing at him, I don't**  
24 **recall that.**

8 (Pages 26 to 29)



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1 Q. Okay. But you did turn around and say something  
2 to him?  
3 **A. No. I turned around. I didn't say anything to**  
4 **him.**  
5 Q. You don't recall if you told him to shut his  
6 F'ing mouth?  
7 **A. Right. I don't recall that.**  
8 Q. Okay. So let's return to the rest of your  
9 description of the events of that day. What happened  
10 after you dumped your tray?  
11 **A. After I dumped my tray, I went to Sergeant**  
12 **Chandler to speak with him about his officers.**  
13 Q. Okay. And after you spoke with Sergeant Chandler  
14 what happened?  
15 **A. He refused to acknowledge me and I walked away**  
16 **from him.**  
17 Q. Okay.  
18 **A. As I was walking, CO Berezansky said something**  
19 **smart to me. I turned around to see what he said in case**  
20 **he was giving me another direct order and he just charged**  
21 **at me.**  
22 Q. As he was charging at you, what did you do to  
23 defend yourself?  
24 **A. I didn't do nothing. I just stood still and he**

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1 **assaulted me.**  
2 Q. Did you put your hands up to protect your head  
3 and face?  
4 **A. No, because I didn't think he was going to swing**  
5 **on me. I thought he was just going to talk to me. But**  
6 **that didn't work out like that. He assaulted me.**  
7 Q. I would think if someone was charging toward you,  
8 you would at least put your hands up, try to protect  
9 yourself. Did you do anything?  
10 **A. I didn't do none of that. I thought he was going**  
11 **to talk to me. I thought he was going to talk to me. I**  
12 **didn't think he was going to assault me. If I thought he**  
13 **was going to assault me, then I would have put my hands**  
14 **up.**  
15 Q. Okay. After he charged towards you, what  
16 happened next?  
17 **A. After he charged towards me, he punched me in the**  
18 **face.**  
19 Q. Then what happened?  
20 **A. Then all the other officers got involved.**  
21 Q. What other officers was that?  
22 **A. CO Berezansky, CO Daisey, CO Irvin Johnson, and**  
23 **CO Milligan.**  
24 Q. They all got involved?

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1 **A. They all got involved. All the officers there**  
2 **got involved.**  
3 Q. What did they do?  
4 **A. They pushed me, slammed me up against the wall**  
5 **and had me in handcuff position. They slammed me down to**  
6 **the floor. Then they -- when they slammed me down to the**  
7 **floor, they cuffed me. Started kicking me and spraying**  
8 **me and punching me as I was in handcuffs.**  
9 Q. Okay. You say they cap stunned you, correct?  
10 You said they sprayed you?  
11 **A. Right, with a couple cans, two cans of pepper**  
12 **spray while I was in handcuffs.**  
13 Q. Were you doing anything at that time?  
14 **A. No.**  
15 Q. Were you trying to protect yourself?  
16 **A. I couldn't because from the spray.**  
17 Q. After they sprayed you and handcuffed you, what  
18 occurred next?  
19 **A. They took me to ASDA holding cell.**  
20 Q. Is that the ASDA holding?  
21 **A. Right. They took me to ASDA holding cell. They**  
22 **were supposed to take me straight to the nurse, but they**  
23 **never did. They took me to a holding cell.**  
24 Q. Okay. After they took -- at any point did you

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1 see a nurse?  
2 **A. Yeah, about 20 minutes later after I was**  
3 **complaining.**  
4 Q. Do you remember the name of the nurse?  
5 **A. No, I don't.**  
6 Q. Did you know the name of the nurse at the time?  
7 **A. No.**  
8 Q. Does the name Helen Whitley sound familiar?  
9 **A. Like I say, I don't know her name.**  
10 Q. Okay.  
11 **A. But that's her name, then that's her name.**  
12 Q. What, if anything, did you say to the nurse?  
13 **A. I just told her that I had pains in my ribs. And**  
14 **she said there's nothing wrong with me, you know what I**  
15 **mean? That was that.**  
16 Q. Okay.  
17 **A. She said there was nothing wrong and they shut**  
18 **the door on me.**  
19 Q. I'm going to now have the court reporter mark  
20 another document as Defendant's Exhibit Number 6.  
21 Exhibit Number 6 is the incident report filed by Helen  
22 Whitley.  
23 (Defendant's Deposition Exhibit No. 6 marked  
24 for identification.)

9 (Pages 30 to 33)

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1 THE WITNESS: That's the nurse?  
2 BY MS. TROSS:  
3 Q. That's the name of the medical provider listed in  
4 the incident report.  
5 **A. Okay. That's the Thursday, then.**  
6 Q. You can take a moment to review that.  
7 **A. (Witness complies.)**  
8 Q. Are you finished?  
9 **A. Yes.**  
10 Q. Okay. As can you see, the incident date listed  
11 in the report is 8-6, 2005. Under location description  
12 it says holding cell. And under individuals involved it  
13 says inmate Curtis Collins and staff Helen Whitley, okay.  
14 Do you see where it says "description of  
15 incident" up in the top box?  
16 **A. Yeah.**  
17 Q. Can you read that for me, what it says?  
18 **A. It says I am assessed after cap stun, no**  
19 **injuries.**  
20 Q. Okay. Then do you see where it says "immediate  
21 action taken" in the second box?  
22 **A. Yeah.**  
23 Q. Can you read that for me, please?  
24 **A. It says, I'm assessed.**

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1 Q. You are saying I am assessed?  
2 **A. Okay. I am assessed, no noted injuries or noted**  
3 **bruising.**  
4 Q. Thank you.  
5 So Helen Whitley says that when she examined  
6 you, there were no noted injuries and no noted bruising.  
7 Would you agree with what she said?  
8 **A. No. That's a lie.**  
9 Q. Okay. What happened after the nurse left?  
10 **A. After the nurse left, they -- after the nurse**  
11 **left, they took me out of the holding room. They put me**  
12 **in ASDA 1.**  
13 Q. ASDA 1?  
14 **A. Right.**  
15 Q. How long were you in ASDA 1?  
16 **A. 47 days, something like that. About 47 days.**  
17 Q. Mr. Collins, why do you believe that you were  
18 disciplined and placed in ASDA 1?  
19 **A. Can you say that again?**  
20 Q. Why do you believe that you were disciplined and  
21 placed in ASDA 1?  
22 **A. Why I was disciplined?**  
23 Q. Why do you believe that you were placed in ASDA  
24 1?

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1 **A. I was placed in ASDA 1 because I guess that's**  
2 **their rules when someone gets written up or something**  
3 **like that. Everybody got to go to ASDA.**  
4 Q. Okay. Were you later given an opportunity to eat  
5 your breakfast?  
6 **A. No.**  
7 Q. Did any other inmates see what happened in the  
8 chow hall that day?  
9 **A. Yes.**  
10 Q. Can you name some of the inmates?  
11 **A. I know their names, but I want to save that for**  
12 **trial. I don't want them to be assaulted by correctional**  
13 **officers down at SCI --**  
14 Q. Okay.  
15 **A. -- because they are real racist.**  
16 Q. Did you ever talk with any other inmates about  
17 what happened that day?  
18 **A. No. Not really, no.**  
19 Q. Okay. Let's go back for a moment to Exhibit  
20 Number 1, which is the first document I gave you. That  
21 was your complaint. You should still have it there. Can  
22 you go back to that with me?  
23 **A. Um-hm.**  
24 Q. Okay. Let's go to page number 5 of the document.

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1 I think it is two pages away from that one. Right there.  
2 Okay.  
3 Would you agree that this is the statement  
4 of facts that you wrote for your civil complaint?  
5 **A. Yes.**  
6 Q. Okay. On page 1 of the statement can you count  
7 about 9 lines down where it starts with "now the"? Do  
8 you see that?  
9 **A. Milligan you said?**  
10 Q. No. Where you start the sentence that says, "now  
11 the plaintiff." If not, I'll read it to you if you can't  
12 find it. Are you able to find out?  
13 **A. You can read it.**  
14 Q. You say in your statement, "now the plaintiff  
15 understands and knows that there is no talking in the  
16 chow hall."  
17 **A. Okay.**  
18 Q. So you were aware that you were not supposed to  
19 be talking in the chow hall?  
20 **A. Right.**  
21 Q. Okay. Now turn with me to the second page of  
22 your statement. Next page, at the very top it starts  
23 with "therefore." You said, "therefore, officer wrongly  
24 accused the plaintiff of talking."

10 (Pages 34 to 37)



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1 **A. Right.**  
2 Q. Why do you say you were wrongly accused of  
3 talking?  
4 **A. Because I asked a couple inmates to slide down.**  
5 Q. Is that talking?  
6 **A. I'm saying it is talking, but it is not like --**  
7 **to me it is not talking, because all I'm doing is asking**  
8 **someone to slide down. Their job is to make sure there's**  
9 **8 people to a table. They are supposed to make sure**  
10 **there's supposed to be space. That's their job. I got**  
11 **to ask someone to slide down, what am I going to do? Sit**  
12 **down on the floor? I got to eat my breakfast that I'm**  
13 **entitled to.**  
14 Q. Now I'm going to read the next few sentences.  
15 You said after we finished the sentence about talking,  
16 you say, "officer approaches the plaintiff in a very  
17 unprofessional manner and made plaintiff throw his food  
18 tray away. So plaintiff obeyed the direct order to throw  
19 his tray away. Then plaintiff approaches Sergeant James  
20 Chandler in a respectful manner and asked why the  
21 plaintiff couldn't finish his meal."  
22 When you were told to dump your tray, it was  
23 because of talking, correct? It was because the officer  
24 believed you were talking?

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1 **A. Yes. I think that's correct.**  
2 Q. So, then, why did you need to ask Sergeant  
3 Chandler why you had to dump your tray?  
4 **A. I asked Sergeant Chandler why I had to dump my**  
5 **tray, because I want to get fed. That's my breakfast.**  
6 **They are not going to feed me? They are supposed to feed**  
7 **me. That's the law. So I went to a higher command.**  
8 Q. Okay. I'm now going to read the next sentence.  
9 You say, "So Sergeant Chandler did not respond to  
10 plaintiff because he did not want to go against his  
11 officers. As plaintiff was speaking to the sergeant, CO  
12 Berezansky became very perturbed because plaintiff was  
13 talking to the sergeant about what was transpiring."  
14 **A. Right.**  
15 Q. "So as plaintiff was leaving the chow hall,  
16 officer Berezansky said something smart to plaintiff. As  
17 plaintiff turned around in the chow hall to face CO  
18 Berezansky to hear what he had to say" -- why did you  
19 need to hear what he had to say?  
20 **A. Because he's a correctional officer and I thought**  
21 **he was giving me another direct order.**  
22 Q. What were you going to do when you turned around?  
23 **A. I wasn't going to do nothing. Just listen to**  
24 **what he had to say.**

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1 Q. What were you going to do when you learned what  
2 he had to say?  
3 **A. I was going to walk away.**  
4 Q. Okay. Mr. Collins, why is Sergeant Chandler a  
5 defendant in the lawsuit?  
6 **A. Because he was there. He seen the whole thing.**  
7 **He seen everything that happened.**  
8 Q. Did he ever personally strike you at that time?  
9 **A. That right there, I don't know, because when they**  
10 **were spraying me, I couldn't see for a while. I couldn't**  
11 **see, so I don't know if he was pushing or kicking me.**  
12 Q. But in your complaint you only named him because  
13 you believe he could have prevented it?  
14 **A. Right.**  
15 Q. Okay. Is there anything else you would like to  
16 tell me about what happened in the chow hall on August 6,  
17 2005?  
18 **A. No. Basically that's it.**  
19 Q. Okay. Mr. Collins, have you ever been diagnosed  
20 or told that you have anger issues?  
21 **A. No.**  
22 Q. Have you ever been told that you need to develop  
23 coping techniques for managing anger and frustration?  
24 **A. Not that I know of.**

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1 Q. Do you believe that you have difficulty  
2 controlling your anger?  
3 **A. Do I believe I have difficulty controlling my**  
4 **anger?**  
5 Q. Yes.  
6 **A. No.**  
7 Q. Do you believe that you need to develop coping  
8 techniques for managing anger and frustration?  
9 **A. No.**  
10 Q. As we discussed earlier, you said you are taking  
11 some psychotropic medications. Can you name that again,  
12 please?  
13 **A. Sinequan.**  
14 Q. You said that's for what?  
15 **A. Depression, hearing voices and stuff.**  
16 Q. How long have you been on that medication?  
17 **A. Ever since I got jumped by the COs.**  
18 Q. Were you on the medication before then?  
19 **A. No.**  
20 Q. So since August 2005?  
21 **A. Yes.**  
22 Q. Okay. I am going to have the court reporter mark  
23 for me Defendant's Exhibit Number 7. Exhibit Number 7 is  
24 one of the grievance reports that you filed regarding

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1 this incident.  
2 (Defendant's Deposition Exhibit No. 7 marked  
3 for identification.)  
4 BY MS. TROSS:  
5 Q. You may take a moment to review that.  
6 **A. (Witness complies.)**  
7 Q. Are you finished?  
8 **A. Yes.**  
9 Q. Have you ever seen this document before?  
10 **A. I mean, not this one, but I seen something like**  
11 **this before, yeah.**  
12 Q. This is related to the grievance you filed?  
13 **A. Right.**  
14 Q. For the August 6th incident?  
15 **A. Right.**  
16 Q. Okay. What is the -- do you see the date,  
17 grievance date? That's listed as 8-6, 2005. Do you see  
18 that?  
19 **A. Yes.**  
20 Q. You filed this grievance the same day that the  
21 incident occurred?  
22 **A. Yes. I believe so, yes.**  
23 Q. Can you read for me where it says "remedy  
24 requested"?

1 is another grievance that you filed regarding this  
2 incident.  
3 (Defendant's Deposition Exhibit No. 8 marked  
4 for identification.)  
5 BY MS. TROSS:  
6 Q. You can take a moment to review that as well.  
7 **A. (Witness complies.)**  
8 Q. You are finished?  
9 **A. Yes.**  
10 Q. The grievance date on this report is listed as  
11 August 6, 2005. Do you recognize this document?  
12 **A. Yes.**  
13 Q. Is this also a grievance that you filed?  
14 **A. Yes. I think so, yeah. I think this is it.**  
15 Q. It was filed on the date that the incident  
16 occurred, August 6, 2005?  
17 **A. I think so, yes.**  
18 Q. Under "remedy requested" you see the second box?  
19 **A. Yes.**  
20 Q. Can you read what it says next to "remedy  
21 requested"?  
22 **A. "All officers involved, as well as Sergeant**  
23 **Chandler who watched it be reprimanded."**  
24 Q. So on August 6, 2005 you were again asking that

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1 **A. Remedy requested.**  
2 Q. You see the second box? Can you read, next to  
3 "remedy requested," can you read what it says?  
4 **A. I would like for all the officers involved to be**  
5 **reprimanded.**  
6 Q. Yes. Keep going.  
7 **A. As well as Sergeant Chandler because he watched**  
8 **it go down, right.**  
9 Q. Okay. So is it correct that on the date that  
10 this incident occurred, you requested that the officers  
11 be reprimanded?  
12 **A. Yes, at that time because I didn't know what I**  
13 **was doing, because I was still messed up. I didn't**  
14 **really know what I was really doing at that time.**  
15 Q. Okay. What was the outcome of this grievance?  
16 **A. I believe it was denied.**  
17 Q. Did you appeal?  
18 **A. Yes.**  
19 Q. Okay. What was the outcome of the appeal?  
20 **A. Never got a response.**  
21 Q. Who did you appeal to?  
22 **A. The board.**  
23 Q. Okay. I'm going to have the court reporter mark  
24 this next exhibit as Defendant's Exhibit Number 8. This

1 the officers be reprimanded for what occurred, correct?  
2 **A. Yes. I didn't know what I was doing at that**  
3 **time.**  
4 Q. What do you mean you didn't know what you were  
5 doing?  
6 **A. As far as them being reprimanded.**  
7 Q. Okay. Is there something different you would  
8 have asked for on that day?  
9 **A. Well, yeah.**  
10 Q. What would you have asked for?  
11 **A. I would have asked for them to be fired.**  
12 Q. Okay. What was the outcome of this grievance?  
13 **A. Denied.**  
14 Q. Did you appeal?  
15 **A. Yes. I believe I appealed that, too, yes.**  
16 Q. What was the outcome of the appeal?  
17 **A. No answer.**  
18 Q. Who did you appeal to?  
19 **A. Grievance board.**  
20 Q. Okay. I'm going to have the court reporter mark  
21 this document as Exhibit Number 9. Exhibit Number 9 is  
22 another grievance report that was filed.  
23 (Defendant's Deposition Exhibit No. 9 marked  
24 for identification.)

12 (Pages 42 to 45)



Collins  
Curtis M. Collins

v.  
C.A. # 05-739 SLR

Kearney, et al.  
August 17, 2006

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1 BY MS. TROSS:  
2 Q. Take a moment to review it, please.  
3 **A. (Witness complies.)**  
4 **Okay.**  
5 Q. The date of this grievance report is listed as  
6 September 30th, 2005, 9-30, 2005. Do you recognize this  
7 document?  
8 **A. Yeah.**  
9 Q. Is this a grievance that you filed regarding the  
10 August 6 incident?  
11 **A. I believe so.**  
12 Q. Okay. Under "remedy requested" in the second box  
13 can you read out loud what it says next to "remedy  
14 requested"?  
15 **A. It says, "\$500,000 for pain and suffering and**  
16 **some form of disciplinary action against those involved."**  
17 Q. Is it correct that it wasn't until about a month  
18 and a half later that you requested money for pain and  
19 suffering?  
20 **A. I believe so. I think so.**  
21 Q. Why did your requested remedy change between the  
22 time of the first two grievances and this last grievance?  
23 **A. Why did I change?**  
24 Q. Yes.

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1 **A. I didn't know, like I said, I didn't know what I**  
2 **was doing at that time.**  
3 Q. What was the outcome of this grievance?  
4 **A. Same thing, denied.**  
5 Q. Did you appeal?  
6 **A. Yes. I believe I appealed that, too.**  
7 Q. Who did you appeal it to?  
8 **A. Same people, grievance board.**  
9 Q. What was the outcome of the appeal?  
10 **A. Like I said, I never got a response.**  
11 Q. Okay. Did you file any other grievances  
12 regarding the incident that occurred on August 6, 2005?  
13 **A. I'm not sure. I probably did, probably put a**  
14 **couple more in there.**  
15 Q. Do you have copies of those grievances?  
16 **A. I think so, but I don't have them with me.**  
17 Q. Could you please send me a copy?  
18 **A. If I have more I'll send them to you.**  
19 Q. Thank you.  
20 Let's talk a little bit about the injuries  
21 that you contend you received as a result of the incident  
22 on August 6, 2005. Could you please tell me what  
23 injuries you received from that incident?  
24 **A. Broken ribs -- broken ribs, busted lip, sprained**

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1 **wrist, eye trouble from pepper sprays. I believe that's**  
2 **it.**  
3 Q. That's everything?  
4 **A. I believe that's everything.**  
5 Q. We are going to discuss each one, one by one.  
6 When did you first fill out a sick call slip for your  
7 broken ribs?  
8 **A. I believe it was the same day or the next day --**  
9 **I believe it was the same night or next day.**  
10 Q. "Same night" meaning what day?  
11 **A. I believe it was on 8-6-05.**  
12 Q. Do you have copies of those sick call slips?  
13 **A. I think I do.**  
14 Q. If so, could you please send me copies?  
15 **A. If I have them.**  
16 Q. When was the first time you saw a nurse for your  
17 broken ribs?  
18 **A. That same day.**  
19 Q. When you say "same day" --  
20 **A. Nurse Helen.**  
21 Q. -- August 6, 2005?  
22 **A. Right, August 6, 2005.**  
23 Q. What was the first time you saw a doctor for the  
24 broken ribs?

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1 **A. First time I saw a doctor was -- man, I don't**  
2 **know. I can't recall. Maybe 40-something days.**  
3 Q. Did you know at the time when the first time was  
4 that you saw a doctor?  
5 **A. No. I don't remember when, but I know I seen one**  
6 **afterwards, maybe about a couple months later.**  
7 Q. So it was months later that you first saw a  
8 doctor for your ribs?  
9 **A. I think so. All I seen was nurses, two nurses,**  
10 **and I saw Dr. Burns. That's what I seen. Dr. Burns is**  
11 **the last person I saw and she's the one that had my x-ray**  
12 **reports.**  
13 Q. When was the first time you saw Dr. Burns?  
14 **A. I got the date written down somewhere in my cell.**  
15 **It was, I think it was about 47 days, 48 days later.**  
16 Q. What treatment did you receive for the broken  
17 ribs?  
18 **A. They gave me some type of medicine for broken**  
19 **ribs. They gave me, I believe it was Motrin or something**  
20 **like that. Motrin and some other kind of pain pill I**  
21 **believe. I don't remember.**  
22 Q. Did you have any type of physical therapy?  
23 **A. No. They ain't gave me none of that, no.**  
24 Q. Did they put like a bandage or something around

13 (Pages 46 to 49)